

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TERRY SMITH,

Plaintiff,

**No. 05-cv-0968
(GLS-DEP)**

v.

BEZALEL WURZBERGER,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

TERRY SMITH

Pro Se

98-A-3744

Attica Correctional Facility

Box 149

Attica, New York 14011

FOR THE DEFENDANT:

HON. ANDREW M. CUOMO

New York Attorney General

The Capitol

Albany, New York 12224

MICHAEL G. McCARTIN, ESQ.

Gary L. Sharpe

U.S. District Judge

DECISION AND ORDER

The above-captioned matter comes to this court following a Report

and Recommendation (“R&R”) by Magistrate Judge David E. Peebles, filed March 27, 2008. (Dkt. No. 34.)¹ The R&R recommended that the defendant’s motion for summary judgment be granted. Pending are the plaintiff’s timely objections (“Objections”) to the R&R. (Dkt. No. 35.)

It is plain from the plaintiff’s Objections that he disagrees with the result reached by Judge Peebles. However, beyond noting his disagreement, he does not point to any specific errors in the R&R. Rather, his Objections are general and conclusory in nature. (See, e.g., Objections at 1 (“Deliberate indifference was explained to the court correctly.”).) Therefore, the court has reviewed the R&R for clear error. See *Almonte v. New York State Div. of Parole*, No. 9:04-cv-484, 2006 WL 149049, at *3-6 (N.D.N.Y. Jan. 18, 2006); *Lara v. Bloomberg*, No. 04-cv-8690, 2008 WL 123840, at *3 n.5 (S.D.N.Y. Jan. 8, 2008) (reviewing R&R for clear error where plaintiff’s objections “reveal only his disagreement with the conclusions reached by [the Magistrate Judge]” and “do not assert any specific errors contained in the Report”). Upon such review, the court finds no error in Judge Peebles’s analysis. Accordingly, the R&R is approved

¹The Clerk is directed to append the R&R to this decision, and familiarity therewith is presumed.

and adopted in its entirety.

WHEREFORE, for the foregoing reasons, it is hereby

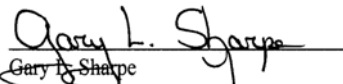
ORDERED that Magistrate Judge Peebles's March 27, 2008 Report and Recommendation is adopted in its entirety; and it is further

ORDERED that the defendant's motion for summary judgment (Dkt. No. 28) is GRANTED and the Complaint is DISMISSED; and it is further

ORDERED that the Clerk provide copies of this Decision and Order to the parties.

IT IS SO ORDERED.

Date: May 19, 2008
Albany, New York


Gary L. Sharpe
U.S. District Judge